

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MORROW EQUIPMENT)
COMPANY, LLC,)

Plaintiff/Counterclaim)
Defendant,)

Civil Action No. 1:14-cv-00063-RLV

v.)

JE DUNN CONSTRUCTION)
COMPANY, successor in interest to)
DUNN SOUTHEAST, INC.; DUNN)
SOUTHEAST, INC. d/b/a R.J.)
GRIFFIN & COMPANY,)

Defendants/Counterclaimants,)

ACE FIRE UNDERWRITERS)
INSURANCE COMPANY,)

Defendant.)

**JE DUNN CONSTRUCTION COMPANY AND DUNN SOUTHEAST, INC
D/B/A R. J. GRIFFIN & COMPANY’S RULE 12(b)(6) MOTION TO
DISMISS COUNTS TWO ANDE THREE OF PLAINTIFF’S
FIRST AMENDED COMPLAINT**

COME NOW Defendants J.E. Dunn Construction Company and Dunn Southeast, Inc. d/b/a R.J. Griffin Company (“J.E. Dunn Defendants”), through their undersigned counsel, and file this their Rule 12(b)(6) Motion to Dismiss Counts Two and Three of Plaintiff’s First Amended Complaint. In support of this Motion,

Defendants rely upon the First Amended Complaint with all exhibits thereto and the accompanying Memorandum of Law. For the reasons set forth in their Memorandum of Law, Defendants respectfully request that the Court dismiss Counts Two and Three of the First Amended Complaint for failure to state a claim upon which relief may be granted.

Respectfully submitted this the 16th day of January, 2014.

**HUDSON PARROTT WALKER,
LLC**

s/ Kevin H. Hudson

Kevin H. Hudson
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LR 7.1 CERTIFICATE

Pursuant to L.R. 7.1D, counsel certifies that the foregoing **Defendants JE Dunn Construction Company and Dunn Southeast, Inc. d/b/a R.J. Griffin & Company's Rule 12(b)(6) Motion to Dismiss Counts Two and Three of the First Amended Complaint** complies with the font and point selections approved by the Court in L.R. 5.1C. This document was prepared using Times New Roman 14 point font.

s/ Kevin H. Hudson
Kevin H. Hudson
Georgia Bar No. 374630

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed a copy of the within and foregoing **JE DUNN CONSTRUCTION COMPANY AND DUNN SOUTHEAST, INC D/B/A R. J. GRIFFIN & COMPANY'S RULE 12(B)(6) MOTION TO DISMISS COUNTS TWO AND THREE OF THE FIRST AMENDED COMPLAINT** using the Court's CM/ECF System and served a true and correct copy of same on all parties to this matter by first class mail, addressed to counsel of record as follows:

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This 16th day of January, 2014.

**HUDSON PARROTT WALKER,
LLC**

s/ Kevin H. Hudson
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